

REMARKS/ARGUMENTS

This Amendment is responsive to the Office Action mailed on March 22, 2007.
Entry of this Amendment is requested.

Claims 1-7, 9, 11-22, and 34-35 are pending in the present application. Claims 1-7, 9, 11-22, and 34-35 have been rejected. Claims 1, 7, 12, 16, 17, 20, 21, 34, and 38 have been amended to correct minor typographical errors. Claims 39-43 have been added. No new matter has been introduced. Reconsideration of the rejected claims is respectfully requested.

The undersigned notes that a number of attempts were made to try and contact the Examiners Harbeck and Chilcot to schedule a telephonic interview. However, the undersign's phone calls were not returned, and it was discovered that Examiner Harbeck is not longer with the USPTO. Because of the inability to schedule an interview, Applicants request that any subsequent Action be made non-final so that Applicants have a full and fair opportunity to respond to the pending Office Action.

I. 35 USC 103

Claims 1-7, 9, 11-22, and 34-35 are rejected as obvious over Corrin (US 2002/0035527 A1) and Longo.

1. Independent claims 1, 21, and 34

Obviousness has not been established for independent claims 1, 21, and 34 or any claims that are dependent thereon, since all limitations in the claims are not taught or suggested by the prior art. To establish *prima facie* obviousness of a claimed invention, all the claim limitations must be taught or suggested by the prior art. *In re Royka*, 490 F.2d 981, 180 USPQ 580 (CCPA 1974). MPEP 2143.03. Here, a number of limitations in independent claims 1, 21, and 34 are not taught or suggested by Corrin or Longo. For example, each of independent claims

1, 21, and 34 recites "providing a findings overview report based on said analysis, wherein the findings overview report includes the in-retirement goals, and the likelihood that the in-retirement goals will be met if the in-retirement income stream withdrawal strategy is followed, and the findings overview report further including an asset drawn down schedule which shows a predicted end of year account balance for each of the plurality of different types of customer accounts if the in-retirement income stream withdrawal strategy is followed." (Emphasis added.)

The Examiner admits that both Corrin and Longo neither teaches nor suggests "an overview report further including an asset drawn down schedule." The rejection should be withdrawn for this reason alone.

Despite the lack of teaching or suggestion in Corrin and Longo, the Examiner states "that it would have been obvious to include the overview report so that a user is fully aware of how far their assets can extend." The Examiner appears to assume that the values required for the overview report's asset drawn down schedule is inherently calculated in Corrin. This is an incorrect assumption. Paragraphs 0095-0096 of Corrin et al. (which is cited by the Examiner at the top of page 5) teach the calculation of income streams (i.e. total yearly withdrawal amounts), but not the calculation of end of year account balances for each of a plurality of different types of customer accounts as required by the asset drawn down schedule. Moreover, nothing in Corrin or Longo teaches or suggests providing for the overview report itself (of which includes an asset drawn down schedule showing a predicted end of year account balance for each of the plurality of different types of customer accounts). Since Corrin and Longo fail to teach or suggest a number of limitations in the independent claims, obviousness has not been established.

In addition, the alleged motivation "it would have been obvious to include the overview report so that a user is fully aware of how far their assets can extend" was improperly taken from Applicants' own specification and not the prior art as required by 35 U.S.C. 103. As noted by the Court of Appeals for the Federal Circuit and the MPEP, "[t]he teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art, and must not be based on applicant's disclosure. *In re Vaeck*, 947 F.2d 488, 20 USPQ2d 1438 (Fed. Cir. 1991). While the concept of providing an "overview report so

that a user is fully aware of how far their assets can extend" can be found at page 12 of the specification, the specific type of overview report cannot be found in the cited prior art. Thus, the Examiner has improperly taken the motivation from Applicants' specification and not the prior art to formulate the obviousness rejection. For this additional reason, obviousness has not been established.

2. *Dependent claim 6*

With respect to claim 6, obviousness has not been established since all limitations in the claim are not taught or suggested by the prior art. The Examiner alleges that Corrin, discloses at paragraphs 0081-0141, "providing a current performance planning table, wherein said table allows for assessing approximate current yield and total return information in order to determine which holdings of said assets provide cash flow versus growth required to meet said in-retirement goals." Applicants respectfully submit that paragraphs 0081-0141 of Corrin describe a Retirement Track Chart and Table that compare previous account balances and balances needed to meet requirement goals (see paragraph 0085 of Corrin). The chart and table appear to utilize and display total account values for different time points beginning with the first reported account value (see paragraph 0137 of Corrin). Nothing in the chart and table, however, discloses a table that allows for assessing approximate current yield and total return information to determine which holdings provide cash flow verses growth (see, e.g., Fig. 7 of the present application).

Appl. No. 09/880,170
Amdt. dated August 14, 2007
Reply to Office Action of March 22, 2007

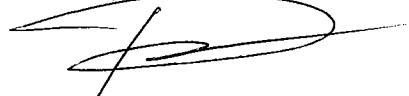
PATENT

CONCLUSION

In view of the foregoing, Applicants believe all claims now pending in this Application are in condition for allowance and an action to that end is respectfully requested.

If the Examiner believes a telephone conference would expedite prosecution of this application, please telephone the undersigned at 415-576-0200.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Patric R. Jewik', with a large, sweeping loop at the end.

Patric R. Jewik
Reg. No. 40,456

TOWNSEND and TOWNSEND and CREW LLP
Two Embarcadero Center, Eighth Floor
San Francisco, California 94111-3834
Tel: 415-576-0200
Fax: 415-576-0300
PRJ
61124738 v1